REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 2-19 and 24-38 remain pending. In this Reply, claims 16, 17, 32, and 36 have been amended.

Applicant respectfully requests that the Examiner withdraw the claim objection set forth on page 3 of the Office Action in view of the amendment to claim 9. Claims 16, 17, 32, and 36 are independent claims.

Prior Art Rejection

Claims 2-19 and 34-38 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over *Pavley et al.* (U.S. Patent 6,317,141) in view of *Hasegawa et al.* (U.S. Patent 6,084,169). This rejection, insofar as it pertains to the presently-pending claims, is respectfully traversed.

Independent claim 16 is directed to a method for adjusting an image playback time of a plurality of images and a music playback time of accompanying music to substantially coincide, comprising: (a) accepting input of instructions for selecting images and music to be played back; (b) setting at least one of images to be played back, an image playback time for playing back said images, music to be played back, movies to be played back, a total playback time, a music genre, a screen switching method, and a mixing level, wherein said music is prepared separately from said images; (c) obtaining at least one of said image playback time and said music playback time from said setting of said images and said setting of said music; (d) adjusting at least one of said obtained image playback time and said obtained music playback time to make a period of a first playback time, which is the playback time for the images, substantially coincide with a period of a second playback time, which is the playback time for said music, wherein said first playback time is defined based on the number of said images and on a playback time for each of said plurality of images; and (e) processing at least one of the images and the music after said adjusting of at least one of said obtained image playback time and said obtained music playback time.

Thus, according to claim 16, the music for playback is prepared separately from the plurality of images, and an adjusting step makes a period of a first playback time, for playback of a plurality of images, substantially coincide with a period of the second playback time, for the

music prepared separately from the images. In this manner, the claimed method allows a user to flexibly match a period between the first playback time for the plurality of images and the second playback time for the music prepared separately from the plurality of images. Thus, the method as claimed can more effectively display a plurality of images along with the accompanying music. Independent claim 16 has been amended to emphasize that the adjusting step (step (d)) achieves backup-tuned images with coinciding image playback and music playback times

As discussed in the Reply dated July 26, 2005, the primary reference, *Pavley*, discloses a digital video camera that captures various types of image data, including video and still images. Col. 3, lines 55-61. Audio is recorded by an audio sub-system 142 along with video data. Col. 5, lines 37-67. As set forth on page 3 of the Office Action ("Response to Arguments"), the Examiner cites the video editing screen (430) and audio editing screen (450) of *Pavley* as allegedly teaching the adjusting feature recited in claim 16. Page 3 of the Office Action reasons that, because both audio and image data in the editing screens are prepared independently and separately:

> inherently, the image playback time can be adjusted to make the image playback time and the audio playback time substantially coincide based on the number of the images and the music playback time of the audio according to user's desire.

Applicant disagrees and submits that, although the digital video camera of *Pavley* allows a user to edit media objects to be played back (see e.g., col. 12, lines 34-43), *Pavley* fails to disclose or suggest a method as recited in claim 16, which, for separately prepared music and a plurality of images, makes a period of a first playback time for playback of the plurality of images substantially coincide with a period of a second playback time for the separately prepared music based on the number of images and a playback time for each of the plurality of images thereby achieving backup-tuned images with coinciding image playback and music playback times. The rejection provides no support for the assertion that this feature is inherently achieved, or even suggested by *Pavley*. It appears, instead, that the rejection is based on impermissible hindsight.

The secondary reference, *Hasegawa*, discloses a technique for composing background music for an input image. See e.g., col. 1, lines 8-15. More specifically, *Hasegawa* discloses:

> In a background music assigning method according to this invention, a given moving or changing image is divided into scenes, a feature of each scene is extracted, the feature is converted into a parameter to be used for automatic musical performance, background music is automatically composed by using the parameter and scene reproduction time, and background matching an atmosphere and reproduction time of the moving or changing image is outputted, together with the moving or changing image. (Col. 1, line 62 - col. 2, line 3).

Applicant submits, however, that *Hasegawa* fails to teach or suggest the adjusting step as recited in independent claim 16.

To establish *prima facie* obviousness, all claim limitations must be taught or suggested by the prior art and the asserted modification or combination of prior art must be supported by some teaching, suggestion, or motivation in the applied reference or in knowledge generally available to one skilled in the art. *In re Fine*, 837, F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Thus, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). The prior art must suggest the desirability of the modification in order to establish a *prima facie* case of obviousness. *In re Brouwer*, 77 F.3d 422, 425, 37 USPQ2d 1663, 1666 (Fed. Cir. 1995). It can also be said that the prior art must collectively suggest or point to the claimed invention to support a finding of obviousness. *In re Hedges*, 783 F.2d 1038, 1041, 228 USPQ 685, 687 (Fed. Cir. 1986); *In re Ehrreich*, 590 F.2d 902, 908-09, 200 USPQ 504, 510 (CCPA 1979).

In view of the above, the asserted combination of *Pavley* and *Hasegawa* (assuming these references may be combined, which Applicant does not admit) fails to establish *prima facie* obviousness of claim 16, or any claim depending therefrom. Furthermore, independent claim 17, as well as independent claims 32 and 36 (specific to playback of music and movie data), as well as their dependent claims, define over the asserted combination of *Pavley* and *Hasegawa* based on similar reasoning to that set forth above with regard to claim 16.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By _____

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